IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(Crl.).No. 162 of 2004(S)

PETITIONER:

SWAPNA, AGED 22,
D/O.LEELA, KARUVILA PUTHEN VEEDU,
PONGUVILA,
KUNNATHUKAL VILLAGE.

BY ADV. SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF DEPUTY SUPERINTENDENT
OF POLICE, NEYYATTINKARA.

3. THE SUB INSPECTOR OF POLICE,
VELLARADA POLICE STATION.

4. YESUDASAN, PLANKULAM,
NILAMAMOODU,
NEYYATTINKARA.

5. SUNIL KUMAR, S/O.THANKAMANI,
AMBAITHALA THOTTATHU PUTHEN VEETTIL,
KALAYIL, NARANI, KUNNATHUKAL (P.O)

R1 to 3 BY GOVERNMENT PLEADER SHRI P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(CRL.) NO.162/2004 - APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF REGISTERED DEED DATED 17.11.2003 EXECUTED BETWEEN PETITIONER AND HER HUSBAND ANILKUMAR.

EXT.P2 - TRUE COPY OF SETTLEMENT DEED DATED 17.11.2003 EXECUTED IN FAVOUR OF THE PETITIONER AND HER HUSBAND.

EXT.P3 - TRUE COPY OF COMPLAINT DATED 8.3.2004 SUBMITTED BY PETITIONER'S FATHER BEFORE THE 3RD RESPONDENT.

EXT.P4 - TRUE COPY OF COMPLAINT NIL DATED SUBMITTEDM BY THE PETITINER BEFORE THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

(true copy)

vaa PS TO JUDGE

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.) No. 162 of 2007 S

Dated this the 2nd day of April, 2007

Judgment

Koshy, J.

This is a petition for habeas corpus stating that one Anilkumar married the petitioner and the said Anilkumar is missing and is under illegal custody. Mr.Anilkumar was present on 28.3.2007 and submitted that he is not under illegal custody, but, petitioner went on her own will and she is having an affair with somebody else. Since the case was posted for 2.4.2007, petitioner was not present. Hence, we directed Mr.Anilkumar to be present in the court today. When the case was called today, counsel for the petitioner submitted that petitioner, alleged wife of Anilkumar, married somebody else and she is not present.

In the above circumstances, we are of the opinion that there is no merit in the writ petition and the writ petition is dismissed with a cost of Rs.2,000/-

to be paid to Mr.Anilkumar for meeting the expenses incurred for coming to this Court twice.

J.B.KOSHY

JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.) No.162/2007 S

Judgment

Dated:2nd April, 2007